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Offered by:

REP. ROY, 119th Dist.

REP. SCHOFIELD, 16th Dist.

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To: Subst. House Bill No. 5136

File No. 287

Cal. No. 154

***"AN ACT CONCERNING THE CONTRACT POWERS OF THE
COMMISSIONER OF ENVIRONMENTAL PROTECTION AND
ESTABLISHING A CLIMATE CHANGE IMPACTS TASK FORCE."***

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective July 1, 2009*) Each state agency, as defined
4 in section 1-79 of the 2008 supplement to the general statutes, that
5 occupies or manages a state building, facility or park shall, within the
6 existing resources of such state agency, develop and execute a list of
7 proposed actions concerning sustainability for such agency's state
8 buildings, facilities or parks. Such list shall include, but not be limited
9 to, methods to increase energy efficiency, provision of a sufficient
10 number of recycling receptacles, a preference for the use of
11 biodegradable cleaning products when feasible and appropriate

12 disposal of recyclable materials. Such list may be based on the model
13 list developed in accordance with section 504 of this act, and shall be
14 filed with the Department of Environmental Protection no later than
15 August 1, 2009. For the purposes of this section, "state building" means
16 buildings and real property owned or leased by the state.

17 Sec. 502. (NEW) (*Effective from passage*) (a) If funds become available,
18 from either governmental or private sources, the Commissioner of
19 Environmental Protection shall establish a single-stream or enhanced
20 dual-stream recycling pilot program to provide grants to
21 municipalities chosen by the commissioner, (1) one or more of which
22 shall be rural, (2) one or more of which shall be suburban, and (3) one
23 or more of which shall be urban. A trash hauler serving a municipality
24 that does not offer trash collection services as a municipal service may
25 apply for such a grant. Each grant shall be for no more than fifty per
26 cent of the estimated costs for the implementation of the pilot program.
27 The commissioner may give preference to municipalities that do not
28 have existing curbside recycling programs. If the trash hauler or
29 municipality selected to receive a grant already has an existing single-
30 stream or enhanced dual-stream recycling pilot program, grant
31 funding shall be limited to reimbursement for the costs related to
32 gathering data to evaluate such program and providing such data to
33 the commissioner. The commissioner may use any funds received as
34 contributions from governmental or private sources for purposes of
35 such pilot program and the commissioner may use a portion of such
36 funds to cover reasonable administrative costs related to such pilot
37 program. The pilot program shall terminate eighteen months after the
38 disbursement of the grant funds. For the purposes of this subsection,
39 "rural" means a municipality with a population of ten thousand or less,
40 "suburban" means a municipality with a population of more than ten
41 thousand and less than seventy thousand, "urban" means a
42 municipality with a population of seventy thousand or more and
43 "population" means the number of people residing in a municipality
44 according to the most recent version of the Connecticut Register and
45 Manual.

46 (b) A municipality or an eligible trash hauler may apply for a grant
47 for such program by submitting an application to the commissioner on
48 forms prescribed by the commissioner. The commissioner may reject
49 any grant application that the commissioner determines to be
50 incomplete. If the commissioner rejects an application, the
51 commissioner shall promptly notify the applicant of the reasons for the
52 rejection and, not later than fifteen days after the date of such notice,
53 such applicant may resubmit the application in the same manner as the
54 original application.

55 (c) Each municipality or trash hauler selected by the commissioner
56 to receive a grant for such pilot program shall submit a single-stream
57 or enhanced dual-stream recycling plan for the commissioner's
58 approval. Such plan shall include: (1) An estimate of the operational
59 and capital expenses and income required to implement the plan over
60 a two-year period, (2) goals for recycling, (3) an estimate of savings in
61 tipping fees, if applicable, (4) a method for tracking the actual cost of
62 the program, (5) a method for calculating the actual savings of the
63 program, and (6) any additional information required by the
64 commissioner.

65 (d) The commissioner shall evaluate the results of the pilot program
66 using the methodology developed in accordance with section 504 of
67 this act, and three months after the termination of the pilot program,
68 the commissioner, shall submit the evaluation to the commission
69 established under section 504 of this act.

70 (e) No municipality shall terminate, transfer or otherwise displace
71 any municipal employee as a result of the participation of such
72 municipality or a trash hauler serving such municipality in the grant
73 program established under this section.

74 Sec. 503. (NEW) (*Effective from passage*) (a) If funds become available,
75 from either governmental or private sources, the Commissioner of
76 Environmental Protection shall establish a recycling incentive pilot
77 program to provide grants to municipalities chosen by the

78 commissioner, (1) one or more of which shall be rural, (2) one or more
79 of which shall be suburban, and (3) one or more of which shall be
80 urban. A trash hauler serving a municipality that does not offer trash
81 collection services as a municipal service may apply for such a grant.
82 Such grants shall be used by the municipalities or trash haulers to
83 establish a system for households and businesses within a
84 municipality to pay no fee for recycling and to pay for trash removal
85 based upon the volume or weight of solid waste that such households
86 or businesses generate, or establish other incentives, such as retail
87 coupons given as awards for meeting volume benchmarks of recycling
88 quantity per household. Each grant shall be for no more than fifty per
89 cent of the estimated costs for the implementation of the pilot program.
90 If the municipality or trash hauler selected to receive a grant already
91 has an existing recycling incentive pilot program, grant funding shall
92 be limited to reimbursement for the costs related to gathering data to
93 evaluate such program and providing such data to the commissioner.
94 The commissioner may give preference to municipalities that do not
95 have existing curbside recycling programs. The commissioner may use
96 any funds received as contributions from governmental or private
97 sources for purposes of such pilot program and the commissioner may
98 use a portion of such funds to cover reasonable administrative costs
99 related to such pilot program. The pilot program shall terminate
100 eighteen months after the disbursement of the grant funds. For the
101 purposes of this section, "rural" means a municipality with a
102 population of ten thousand or less, "suburban" means a municipality
103 with a population of more than ten thousand and less than seventy
104 thousand, "urban" means a municipality with a population of seventy
105 thousand or more and "population" means the number of people
106 residing in a municipality according to the most recent version of the
107 Connecticut Register and Manual.

108 (b) In order to be considered for such a grant a municipality or an
109 eligible trash hauler may apply for a grant for said program by
110 submitting an application to the commissioner on forms prescribed by
111 the commissioner. The commissioner may reject any grant application

112 that the commissioner determines to be incomplete. If the
113 commissioner rejects an application, the commissioner shall promptly
114 notify the applicant of the reasons for the rejection and, not later than
115 fifteen days after the date of such notice, such applicant may resubmit
116 the application in the same manner as the original application.

117 (c) Each municipality or trash hauler selected by the commissioner
118 to receive a grant for said pilot program shall submit a plan for
119 establishing a recycling incentive program for the commissioner's
120 approval. Such plan shall include (1) an estimate of the operational and
121 capital expenses and income required to implement the plan over a
122 two-year period, (2) goals for recycling, (3) an estimate of savings in
123 tipping fees, if applicable, (4) a method for tracking the actual cost of
124 the program, (5) a method for calculating the actual savings of the
125 program, and (6) any additional information required by the
126 commissioner.

127 (d) The commissioner shall evaluate the results of the pilot program
128 using the methodology developed in accordance with section 504 of
129 this act, and, three months after the termination of the pilot program,
130 shall submit such evaluation to the commission established under
131 section 504 of this act.

132 (e) No municipality shall terminate, transfer or otherwise displace
133 any municipal employee as a result of the participation of such
134 municipality or a trash hauler serving such municipality in the grant
135 program established under this section.

136 Sec. 504. (NEW) (*Effective July 1, 2008*) (a) The Commissioner of
137 Environmental Protection shall establish a commission to (1) develop
138 and recommend a methodology for evaluating the pilot programs
139 established by sections 502 and 503 of this act, (2) make
140 recommendations for implementation of such programs and for future
141 recycling initiatives, and (3) not later than May 1, 2009, develop a
142 model list for the use of state agencies in accordance with section 501
143 of this act.

144 (b) The commission shall consist of the following members selected
145 from among environmental advocates, grocers, bottlers, trash haulers,
146 end users of recycled material, municipal leaders or other
147 representative interests deemed appropriate by the appointing
148 authority: (1) One member from an environmental advocacy group,
149 appointed by the Connecticut Recyclers Coalition; (2) one member
150 from an environmental advocacy group, appointed by the Sierra Club;
151 (3) one member appointed by the Connecticut Conference of
152 Municipalities; (4) one member, appointed by the Connecticut Food
153 Association; (5) one member appointed by the American Beverage
154 Association; (6) one member, appointed by the Connecticut Resources
155 Recovery Authority; (7) one member, appointed by the Connecticut
156 chapter of the National Solid Waste Management Association; (8) one
157 member representing end users of recycled materials, appointed by the
158 Commissioner of Environmental Protection; and (9) one member
159 appointed by the Tunxis Recycling Operating Committee.

160 (c) All appointments of commission members shall be made not
161 later than January 1, 2009. Any vacancy shall be filled by the
162 appointing authority.

163 (d) The Commissioner of Environmental Protection shall select the
164 chairperson of the commission from among the members of the
165 commission. Not later than February 1, 2009, the chairperson shall
166 schedule the first meeting of the commission.

167 (e) The members of the commission shall serve without
168 compensation.

169 (f) Not later than one month after the Commissioner of
170 Environmental Protection submits an evaluation of the pilot programs
171 in accordance with sections 502 and 503 of this act, the commission
172 shall submit a report on its findings and recommendations to the joint
173 standing committee of the General Assembly having cognizance of
174 matters relating to the environment, in accordance with the provisions
175 of section 11-4a of the general statutes. Such report shall summarize

176 the results of the pilot programs created in sections 502 and 503 of this
177 act.

178 Sec. 505. (NEW) (*Effective October 1, 2008*) The Commissioner of
179 Environmental Protection shall, within available appropriations,
180 develop a public education program to encourage state residents to
181 use biodegradable products and environmentally safe alternatives to
182 plastic bags or packaging and to recycle, provided a portion of any
183 such appropriation may be used to cover reasonable administrative
184 costs related to the development of such a program.

185 Sec. 506. (NEW) (*Effective October 1, 2008*) (a) Each municipality shall
186 offer curbside recycling to all residents and businesses for which such
187 municipality provides municipal curbside collection of solid waste,
188 except that the provisions of this section shall not apply to any
189 municipality that the Commissioner of Environmental Protection
190 determines recycles municipal solid waste in a percentage that exceeds
191 the state-wide average for the amount of municipal waste that is
192 recycled.

193 (b) Each trash hauler that offers curbside collection of solid waste
194 generated by residential, business, commercial or other establishments
195 in a municipality shall offer curbside recycling to each of such trash
196 hauler's customers at no additional charge above the trash hauler's
197 charge for solid waste collection. The provisions of this subsection
198 shall not be construed to prohibit any trash hauler from determining
199 and adjusting its fees for combined curbside collection services.

200 (c) For the purposes of this section, "curbside recycling" means the
201 collection, by either municipal or private recycling vehicles, of
202 presorted recyclable materials left for such collection by residents and
203 businesses in the front of the property of such residents and
204 businesses, "recyclable materials" means glass, plastic, paper, cans,
205 newspapers, magazines and cardboard, and excludes bulk items such
206 as furniture, demolition waste or trees, and "collector" shall have the
207 same meaning as in subsection (g) of section 22a-220a of the general

208 statutes.

209 Sec. 507. (NEW) (*Effective October 1, 2008*) (a) Each public place shall
210 provide recycling receptacles at the same location as trash receptacles
211 that are accessible to the public. For the purpose of this section, "public
212 place" means any privately owned area or building, or portion thereof,
213 that is open to the public during normal business hours, including, but
214 not limited to, any (1) building that provides facilities or shelter for
215 public assembly, (2) inn, hotel, motel, sports arena, supermarket,
216 transportation terminal, retail store, restaurant or other commercial
217 establishment that provides services or retails merchandise, and (3)
218 museum, hospital, auditorium, movie theater and university building.
219 "Public place" does not include any building owned or leased by the
220 state or any political subdivision thereof.

221 (b) The Commissioner of Environmental Protection may adopt
222 regulations, in accordance with the provisions of chapter 54 of the
223 general statutes, to implement the provisions of this section.

224 (c) Any person who violates this section may be subject to a civil
225 penalty of not more than one thousand dollars for each offense. Each
226 violation of this section shall be a separate and distinct offense, and, in
227 case of a continuing violation, each day's continuance thereof shall be
228 deemed to be a separate and distinct offense. The Attorney General,
229 upon the request of the Commissioner of Environmental Protection,
230 shall bring an action in superior court for the judicial district of
231 Hartford to recover such penalty.

232 Sec. 508. (NEW) (*Effective October 1, 2008*) (a) No cleaning or
233 janitorial service employer shall combine segregated items required to
234 be recycled pursuant to subsection (a) of section 22a-241b of the
235 general statutes with nonrecyclable solid waste.

236 (b) Any employer that violates subsection (a) of this section shall be
237 subject to a civil penalty of five hundred dollars for each offense. Each
238 violation of said subsection shall be a separate and distinct offense,
239 and, in case of a continuing violation, each day's continuance thereof

240 shall be deemed to be a separate and distinct offense. The Attorney
241 General, upon the request of the Commissioner of Environmental
242 Protection, shall bring an action in superior court for the judicial
243 district of Hartford to recover such penalty. For the purposes of this
244 section, "employer" means one or more individuals, partnerships,
245 associations or corporations or other entity which employs persons.

246 Sec. 509. Section 22a-241b of the general statutes is repealed and the
247 following is substituted in lieu thereof (*Effective October 1, 2008*):

248 (a) (1) On or before February 1, 1988, the Commissioner of
249 Environmental Protection shall adopt regulations in accordance with
250 the provisions of chapter 54 designating items that are required to be
251 recycled. The commissioner may designate other items as suitable for
252 recycling and amend said regulations accordingly. (2) On or before
253 February 1, 2009, the Commissioner of Environmental Protection shall
254 amend the regulations adopted under subdivision (1) of this
255 subsection to require items made of polyethylene terephthalate plastic
256 and high density polyethylene plastic to be recycled.

257 (b) Any item designated for recycling pursuant to subsection (a) of
258 this section shall be recycled by a municipality within three months of
259 the establishment of service to such municipality by a regional
260 processing center or local processing system.

261 (c) On and after January 1, 1991, (1) each person who generates solid
262 waste from residential property shall, in accordance with subsection (f)
263 of section 22a-220, separate from other solid waste the items
264 designated for recycling pursuant to subdivision (1) of subsection (a)
265 of this section, and (2) every other person who generates solid waste
266 shall, in accordance with subsection (f) of section 22a-220, make
267 provision for the separation from other solid waste of the items
268 designated for recycling pursuant to subdivision (1) of subsection (a)
269 of this section. On and after January 1, 2010, the provisions of this
270 subsection shall also apply to items designated for recycling pursuant
271 to subdivision (2) of subsection (a) of this section."